

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
 2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
 3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 Gebtri, Inc.: Case # 17-251-00011

8 t/a Cedar Hill Bar & Grill/ :

9 Uniontown Bar & Grill :

10 2200 Martin L King Jr. Ave SE :

11 License #91887 :

12 Retailer CT :

13 ANC 8A :

14 Fight/Board Order/Security Plan:

15 - - - - -X

16 Wednesday, March 8, 2017

17

18 Whereupon, the above-referenced matter
 19 came on for hearing at the Alcoholic Beverage
 20 Control Board, Reeves Center, 2000 14th Street,
 21 N.W., Suite 400S, Washington, D.C. 20009.

22

1 BOARD MEMBERS PRESENT

2 DONOVAN ANDERSON, CHAIRMAN

3 NICK ALBERTI, BOARD MEMBER

4 JAMES SHORT, BOARD MEMBER

5 JAKE PERRY, BOARD MEMBER

6 MAFARA HOBSON, BOARD MEMBER

7 MIKE SILVERSTEIN, BOARD MEMBER

8

9 ALSO PRESENT:

10 MELAKE GEBRE

11 GABRIELE TRIPODO

12 INVESTIGATOR JASON PERU

13 LIEUTENANT SIDNEY PAUL

14 SERGEANT MICHAEL O'HARREN

15 BRENDA SMITH

16

17

1 P R O C E E D I N G S

2 FACT FINDING HEARING

3 CHAIRPERSON ANDERSON: The final case on
4 our calendar this afternoon is case #17-251-
5 00011, Union Bar and Grill, license #91887. Will
6 the parties please approach and identify
7 themselves for the record, please? Are you here,
8 sir, for this hearing?

9 UNKNOWN: Yes, sir.

10 CHAIRPERSON ANDERSON: No, I was talking to
11 the officer around back.

12 OFFICER: We're here in case there are any
13 questions about their finances. So just as
14 support.

15 CHAIRPERSON ANDERSON: You guys can also come
16 up. I think, yeah you guys can also come up and
17 identify yourself. I think I did recognize the
18 lady in the pink, so hi. You said finances, so
19 now I know why I recognize her. So, come up and
20 then I knew exactly how I know you which is
21 related to this case. So, there's a sign-in
22 sheet so I would like everyone, once you identify

1 yourself, and I stopped talking because the
2 transcriber needs to get her computer started, so
3 we're not necessarily on the record, so while
4 you're sitting there everyone please sign in and
5 then once she's ready I'll have you introduce
6 yourselves for the record.

7 We're now back on the record. Could everyone
8 please identify themselves for the record? We'll
9 start with the licensee.

10 MR. GEBRE: My name is Melake Gebre.

11 CHAIRPERSON ANDERSON: How do you spell that?

12 MR. GEBRE: M-E-L-A-K-E, last name G-E-B-R-E.

13 CHAIRPERSON ANDERSON: Yes, sir, and your
14 name, sir?

15 MR. TRIPODO: My name is Gabriel Tripodo.

16 GABRIELE. My last name is Tripodo. T-R-I-P-O-D-
17 O, D as in David.

18 CHAIRPERSON ANDERSON: And who are you, sir?

19 MR. TRIPODO: I'm the general manager.

20 CHAIRPERSON ANDERSON: You're the general
21 manager, okay. Mr. Suero?

22 INVESTIGATOR PERU: Investigator Jason Peru

1 with ABRA.

2 CHAIRPERSON ANDERSON: Sorry, Mr. Peru, with
3 ABRA.

4 MR. ALBERTI: I think you just got promoted,
5 Mr. Peru.

6 CHAIRPERSON ANDERSON: You know what it is?
7 And it's your fault because you two were here
8 earlier and you did that to me. I apologize, Mr.
9 Peru.

10 MR. ALBERTI: You did it to him, right.

11 CHAIRPERSON ANDERSON: Of course I'm going to
12 blame them, okay?

13 LT. PAUL: I'm Lieutenant Sidney Paul with
14 the 7th District and RDO coordinator for 7D.

15 MS. SMITH: Good afternoon, my name is Brenda
16 Smith and I'm the RDO coordinator for ABRA.

17 SGT. OHARREN: Michael O'Harren. I'm the
18 administrative sergeant and run the RDO program
19 as well.

20 CHAIRPERSON ANDERSON: You said O'Hara?

21 SERGEANT O'HARREN: O'Harren.

22 CHAIRPERSON ANDERSON: Mr. Gebre, do you know

1 why we're here today?

2 MR. GEBRE: Yes. Because I got a letter to
3 appear here.

4 CHAIRPERSON ANDERSON: And what is this
5 letter that you got, sir?

6 MR. GEBRE: Basically a set of papers were
7 sent to me that we violated some security plan,
8 some security plan that was mentioned here, so
9 we're here for the fact finding.

10 CHAIRPERSON ANDERSON: But were you also
11 aware that based on an incident that occurred at
12 your establishment on January 7, 2017, that the
13 police chief requested that we have a fact
14 finding hearing to address that issue. Are you
15 aware of the incident that occurred on January 7,
16 2017, which stated I guess that there was a fight
17 that occurred at your establishment on that date.
18 Are you aware of that? I'm just saying, that's
19 why we're -- that's why we're here.

20 MR. GEBRE: Yes, on that day, yes, I'm aware
21 of that.

22 CHAIRPERSON ANDERSON: All right, fine.

1 MR. GEBRE: Okay, you want me to answer that?

2 CHAIRPERSON ANDERSON: Well, yeah, but I just
3 want to say so you're aware that but not for this
4 event you would not, and so therefore the purpose
5 of this hearing is to gather some facts about it,
6 at least from your perspective, what happened
7 that day and what is it that your plans, and your
8 plans to ensure the board that we're not going to
9 have an incident like this again. So, what I'll
10 do is that I'll have Mr. Peru go through the
11 report and tell us what has occurred. So, what
12 I'll do is I'll have Mr. Peru and then I'll have
13 the officer's report. Lt. Paul, can you talk
14 about the incident or are you just here from the
15 RDO perspective?

16 INVESTIGATOR PERU: I am here because I did
17 the investigation involving the --

18 CHAIRPERSON ANDERSON: Okay, fine. So I'll
19 have Mr. Peru and then the lieutenant and if
20 there's issues regarding the RDO then I will call
21 on Ms. Smith and Sergeant O'Harren. Okay, so
22 because I know you're -- I know that there is a

1 previous board order that the establishment was
2 ordered to have RDO, so I guess later on in the
3 hearing we can find out whether or not are they
4 still participating in this program or what's
5 going on with that. So, Mr. Peru.

6 INVESTIGATOR PERU: Yes, sir. So, ABRA
7 received the MPD 221 in reference to an affray,
8 is what they cited on their report, that occurred
9 on January 7th at Cedar Hill Bar and
10 Grill/Uniontown Bar and Grill, located at 2200
11 Martin Luther King Jr. Avenue Southeast. The MPD
12 221s: There are two separate ones. One of them
13 talks about -- do you want me to read the one
14 verbatim for you for the record?

15 CHAIRPERSON ANDERSON: Yeah, go verbatim,
16 please, yes, so we can establish a record.

17 INVESTIGATOR PERU: The MPD 221 #17003653
18 that was titled Affray: R1 reports that the
19 establishment otherwise known as the Uniontown
20 Bar was closing. An affray ensued between
21 numerous individuals. S1 was engaged in a fight
22 with an identified female and was denied by R1.

1 S1 was placed under arrest for disorderly affray
2 and transported to the 7th District processing.
3 S1 verbally identified herself as date of birth.
4 Identity was verified by the use of additional
5 search tools. MPD 221-17003654 was listed as an
6 ABRA incident and states the following: R1
7 reports an affray resulting in one arrest
8 occurring outside of the Uniontown Bar and Grill
9 located at 220 MLK Junior Avenue Southeast. It
10 was noted that several subjects in the affray
11 were dismissed from the establishment by interior
12 security for disorderly behavior. The dismissed
13 subjects were either allowed re-entry or re-
14 entered due to security not monitoring the front
15 main entrance. Several 7th District units were
16 required to respond to restore order and disperse
17 individuals. Additionally, OC was dispersed to
18 the dispersed individuals. So, on Saturday,
19 January 7th, myself and two other investigators
20 from ABRA visited Uniontown and met with the
21 owner, Mr. Gebre. He stated that he was working
22 the night of the incident but he was not aware of

1 what occurred outside until the MPD detail that
2 was out front notified him. He stated that he
3 had six security officers and two MPD RDOs
4 working on the night of the incident. He stated
5 on the night of the incident he had a live local
6 band, called The Reason, performing. Mr. Gebre
7 stated that security staff did not report any
8 incidents occurring inside the establishment. He
9 then showed me video of the incident.

10 The video -- I went through all the video
11 that night. Camera 18 which was the upstairs
12 lounge I came across about 2:36 a.m. a male and
13 female patron which appeared to be involved in a
14 verbal altercation on video and then the female
15 knocked a drink off the table. The male was then
16 ushered out by his friends and the female
17 restrained by her friends.

18 At approximately 2:37 on the stairwell camera
19 you can see that same female running down the
20 stairs towards the exit. At 2:37, about four
21 seconds later, the same female is seen exiting
22 the door -- the rear of the door -- and appears

1 to be upset and a female security officer
2 restrains her and tries to calm her down. Once
3 she's calm, the security officer lets her go.

4 At approximately 2:40 a.m., camera 3 that's
5 facing the rear exit door that's facing the
6 street, I can see two MPD RDOs. The detail is
7 observed on scene or on the sidewalk monitoring
8 the crowd. Then at 2:43, there's another camera,
9 camera 5, on the rear of the establishment, the
10 parking lot. I can see the same male and female
11 patron being seen on camera what appears to be
12 getting into another altercation which then
13 escalates to about 7 to 10 patrons fighting
14 across the street from the rear parking lot.

15 MPD RDO was on scene during that entire
16 altercation. Additional MPD units are seen
17 arriving on the video as well.

18 After reviewing all the video, I determined
19 that the altercation may have begun inside
20 between the male and female and the actual affray
21 listed in the report did occur outside a parking
22 lot and across the street from the establishment,

1 I mean its rear.

2 After looking at Uniontown's ABRA records I
3 determined that they do not have a settlement
4 agreement but did have a security plan. After
5 going through the security plan, it was
6 determined that page 5, item 10 of the security
7 plan states that "the security plan shall
8 indicate the other hours and days of the week in
9 addition to Thursday, Friday and Saturday that
10 the establishment will utilize security wands on
11 all patrons and non-employees prior to the
12 patrons' entry into the establishment at the
13 front entrance. The purpose of wandng will be
14 for the protection from metal objects including
15 weapons that may be carried by patrons. The
16 wands will be used on every patron or non-
17 employee who enters the establishment and will be
18 used in conjunction with physical pat-down
19 searches to be specified in the respondent's
20 security plan. Wandng shall be used for any
21 special event held at the respondent's
22 establishment." Security plan, page 3, item 2

1 states, "security procedures during Thursday,
2 Friday and Saturday nights, security personnel
3 are required to perform the following for each
4 potential patron seeking entry into the
5 establishment: A) security personnel will use a
6 wand on every potential patron to detect the
7 presence of metal objects, including weapons,
8 from 9:00 p.m. until closing."

9 So, after reading the plan I determined that
10 they were in violation of their plan for not
11 using a security wand. On the night of my visit
12 I did not see them using security wands as well.

13 CHAIRPERSON ANDERSON: Thank you. Lt. Paul,
14 do you have anything to add regarding this?

15 LIEUTENANT PAUL: Just to elaborate, I did
16 not review any video from the interior of the
17 establishment. I did conduct the investigation
18 in reference to use of force from our officers,
19 use of OC spray outside the establishment that
20 night, and clearly, you know, I was able to give
21 you guys access to the parties on camera video.
22 You got to see for yourself what type of crowd

1 was out there. It was a large group of
2 individuals coming out from the establishment at
3 one point you can actually see on the video that
4 there was some type of argument at the rear
5 entrance way of the side door next to the parking
6 lot and one fight, the initial fight started in
7 the parking lot and then you had multiple fights
8 out in the middle of the street. We had two
9 officers assigned on Friday -- Thursday, Friday
10 and Saturday nights two RDO there at the
11 establishment, however every incident that
12 occurred outside of this, we just discussed the
13 January 7th incident, they had another large
14 incident there recently as far as February 25th.

15 CHAIRPERSON ANDERSON: You can talk about it.

16 LIEUTENANT PAUL: February 25th we had
17 another disorderly curb fight that occurred there
18 and we had to actually have, like, an additional
19 30 to 35 officers respond out to assist on
20 breaking the fight up. Since I have spoken with
21 the owner several times, and had no problem
22 communicating with him. Some of this stuff stems

1 from -- we had a previous nightclub that's down
2 the street on Martin Luther King, Uniontown.

3 CHAIRPERSON ANDERSON: You mean Players
4 Lounge.

5 LIEUTENANT PAUL: Yeah, Players Lounge.
6 Players Lounge has changed their whole thing that
7 they're doing stuff, so no issues; however, as I
8 told him, even warned him, I told him the patrons
9 on Thursday nights are coming out of his
10 establishment and that there might be an increase
11 of issues. So, I gave him that warning and
12 that's pretty much what's been going on there.
13 When it's all said and done it's almost every
14 weekend that my officers are having some issues
15 [inaudible 1:50:03] responding with more cops and
16 far as having physical contact with the patrons
17 coming out of the establishment and stuff, so
18 that's all I can say, it's just getting worse.

19 CHAIRPERSON ANDERSON: So, let me ask you a
20 question. So, what recommendations? I know that
21 you were here with Players Lounge and
22 recommendations that were made, that they should

1 have RDO --

2 LIEUTENANT PAUL: Yes.

3 CHAIRPERSON ANDERSON: -- and I think
4 initially they agreed to have RDO. This
5 establishment allegedly has RDO. I'm saying I
6 don't know, I know that we had requested RDO and
7 I know that RDO was there, so what
8 recommendations, if any, did you make to him
9 stating that since this other establishment has
10 changed their business model and so, therefore --

11 LIEUTENANT PAUL: We discussed in reference
12 to him changing some of the type of music that he
13 has to play, which he agreed that he was going to
14 get a new promoter, whatever, so change his model
15 for things as far as the type of music he plays.
16 As far as like a recommendation for staffing,
17 like that, with the fact that he's had to use
18 nearly an entire district to come out for the
19 previous incident to assist with that, which is
20 basically draining our resources during the
21 midnight, during the weekend, and that's not a
22 good thing over in the 7th District. You're

1 probably going to need additional officers for
2 RDO. They already have two officers and that's
3 not enough. I mean, on the video for the January
4 7th incident, my officers were clearly
5 outnumbered and, you know, you have one officer
6 dealing with one individual across the street
7 breaking up a fight and he is having to use his -
8 - deploy his OC spray just to break several
9 individuals from kicking an individual's head
10 that was lying on the ground and the second
11 officer -- I'm looking at the second officer's
12 body cam video following directly behind him, he
13 gets cut off with two additional fights right in
14 front of him, so he gets stuck, and it was just
15 total chaos.

16 So, all said and done, two officers is not
17 enough for Fridays and Saturdays. As far as
18 Thursdays, we really don't have any issues on
19 Thursdays, it's Fridays and Saturday nights that
20 are the problems.

21 CHAIRPERSON ANDERSON: So, have you made
22 recommendations to him if he is going to have the

1 events, how many RDOs should he have?

2 LIEUTENANT PAUL: You know, honestly, I'd say
3 four additional officers, add on to the RDO you
4 currently have to, so that should give six
5 officers at the club at night.

6 CHAIRPERSON ANDERSON: Mr. Gebre.

7 MR. GEBRE: Yes.

8 CHAIRPERSON ANDERSON: By the way, do you
9 have a copy of the report that Mr. --

10 MR. GEBRE: Yes, is this it? Do you want me
11 to give it to you?

12 CHAIRPERSON ANDERSON: No, I just want to
13 make sure you have a copy of the report. So,
14 what is it that you have to say, sir?

15 MR. GEBRE: We had been doing so great, I
16 mean up to January 7th, we were doing so great
17 and having good security up and down, you know,
18 the whole night, to make sure somebody's out in
19 the right spots. Because as the detective
20 mentioned that he found one person getting out
21 through the back door or the side door, then our
22 investigator it just happened to be the kitchen

1 guy that takes the trash out, he goes in and out.
2 And we have storage at the back. When you go
3 from the side door you go all the way to the back
4 so the gate you have the storage. So, when they
5 run out of food they come in and out. But if a
6 customer goes there, we don't let anybody in or
7 out because we have one security guy by that
8 door. Unfortunately on that night when I met the
9 ABRA inspectors, the guy had moved and something
10 happened which I didn't know because I was
11 upstairs. Then when the inspector told me I took
12 action on that. So, from that day on I do make
13 sure everybody is in the right spot.

14 CHAIRPERSON ANDERSON: Sir, you're not -- I
15 hear what you're responding to but I don't see
16 anything in the report regarding that. I think
17 what the report says that you're charged with is
18 not wandng, not complying with -- not complying
19 with the -- the establishment was not using hand-
20 held wands to conduct entrances into the -- so, I
21 mean at least from the report that's what you're
22 charged with. So, I hear you talking about --

1 and I'm glad to hear it.

2 MR. GEBRE: I was on that because we already
3 mentioned about that open door.

4 CHAIRPERSON ANDERSON: But I'm saying that's
5 not a violation. I think the larger issue, and I
6 think the reason why you're here today, is the
7 incident that occurred on January 25th, I mean
8 that's what the board, and the lieutenant just
9 brought to the board's attention another incident
10 that occurred on the 25th, February 25th. So,
11 you're here because the police are very much
12 concerned about the operation of your business,
13 your business model. And so what we're trying to
14 find out here is that what is it that you have to
15 share to show us that you don't need to be here,
16 the police doesn't need to be -- the police
17 doesn't need to say to ABRA, 'help us because
18 this place is out of control.' So, that's what
19 I'm trying to find out from you. And so that's -
20 - I hear, I'm going to get to you. So, that's
21 why when I asked you 'do you know why you're
22 here?' the reason why you're here is because the

1 chief of police says, 'this place, we had this
2 incident on January 7th, and it was just out of
3 control. You weren't able to manage it
4 appropriately. So, I need you, ABRA, to do
5 something about it.' So, all right, Mr. Tripodo
6 --

7 MR. TRIPODO: Tripodo, yes, sir.

8 CHAIRPERSON ANDERSON: What is it that you're
9 -- so maybe you can tell me about the incident
10 and what is it that, as the general manager, what
11 is it that -- how can you assure the board that
12 this is not going to happen?

13 MR. TRIPODO: Basically, I talked to him and
14 the captain [inaudible 1:56:44] we already
15 changed about Saturday, for example. Saturday we
16 don't have no more go-go music. We have gay
17 night. Basically up and down, we have it so we
18 never have any problems on Saturday now. And now
19 we are planning to change Friday night. Friday
20 night we are going to avoid the young crowd. We
21 are planning -- we are dealing with the people
22 with R&B and jazz, because basically we are not

1 happy about our [inaudible] so if you give us
2 some time the [inaudible] to change it.
3 Saturday has been changed and Friday we are going
4 to change it starting next week. In fact, we
5 have a new band coming for Friday. So, we are
6 not going to deal with any kind of go-go music
7 unfortunately.

8 CHAIRPERSON ANDERSON: I don't know if it's
9 go-go -- but I just want to say this -- I don't
10 want you to say it's go-go music because to say
11 that because it's go-go music then go-go music
12 automatically -- so, I don't subscribe to that.

13 MR. TRIPODO: I know what you mean. But what
14 I'm trying to do basically is I'm trying to avoid
15 the young crowd. We're trying to do it with, I
16 mean, you see what happens --

17 CHAIRPERSON ANDERSON: Let me say this to
18 you. I don't want you to come back here next
19 week and then you have this new band and this R&B
20 band and it's older folks and then you're going
21 to tell me that 'okay, I'm trying to avoid these
22 older folks,' so I'm not sure that you're going

1 to start going to kids. So, but I hear the
2 point, but I just wanted to say.

3 MR. TRIPODO: My point, Chairman, is I'm
4 trying to get the peaceful people, mature as
5 possible people, in our place, that's the whole
6 thing. One thing I notice is that certain bands
7 attract certain people who aren't very mature or
8 they act openly, so there's always some kind of
9 issue. But even though, we always have six
10 security and ourselves always watching everybody,
11 and we are trying to change the whole thing. We
12 are not planning to have a young crowd in our
13 location. In fact, another plan is we are
14 required starting next week to have dressing
15 code. So we try to avoid as much as we can the
16 people who think that [inaudible 1:59:10] each
17 human being but we are trying to do our best,
18 that's what I promise.

19 CHAIRPERSON ANDERSON: Thank you. Any
20 questions by any board members? Yes, Mr.
21 Alberti?

22 MR. ALBERTI: Either one of you gentleman,

1 Mr. Gebre or Mr. Tripoli?

2 MR. TRIPODO: Tripodo.

3 MR. ALBERTI: Tripolo?

4 MR. TRIPODO: Tripodo. Okay, Tripodo. I
5 apologize for mispronouncing it. So, on January
6 7th what was the name of the band?

7 MR. GEBRE: Reazon.

8 MR. TRIPODO: The Reazon band.

9 MR. ALBERTI: What?

10 MR. TRIPODO: The Reazon, The Reazon. R-E-A-
11 Z-O-N.

12 MR. ALBERTI: Okay, very good. Very
13 creative. There must be a reason for that. So,
14 in February, the evening that the lieutenant
15 spoke about the incident in February, who was the
16 band?

17 MR. GEBRE: It was the same, they play every
18 Friday.

19 MR. ALBERTI: Ah, so Reazon plays every
20 Friday.

21 MR. GEBRE: Yes sir, so far.

22 MR. ALBERTI: How do you hire them? Through

1 a promoter or you hire them through a band
2 manager or how do you hire them?

3 MR. TRIPODO: Through the band manager
4 basically. Basically, it seems like the officer
5 said, since the other club closed we aren't
6 having these kind of problems, but Reazon band
7 has been with us over a year or so. In fact,
8 they bring quite a bit of good customers. Now it
9 seems like people are coming from that place
10 coming to us.

11 MR. ALBERTI: Okay, do you use promoters at
12 all?

13 MR. TRIPODO: We do use promoters for now
14 like for gay --

15 MR. ALBERTI: For Saturday night.

16 MR. TRIPODO: Yeah, but for Friday we don't
17 use it, we have --

18 MR. ALBERTI: So, Saturday entertainment, is
19 it a band? Is it a DJ?

20 MR. TRIPODO: We have a DJ up and down, we
21 have a DJ.

22 MR. ALBERTI: Okay, and you have a promoter?

1 MR. TRIPODO: We have a promoter, yes, sir.

2 MR. ALBERTI: And the name of that promoter?

3 MR. TRIPODO: Damien.

4 MR. ALBERTI: Diamond?

5 MR. TRIPODO: Damien. Damien. D-A-M-I-E-N.

6 MR. ALBERTI: Oh, Damien, okay. Is that the
7 name of his company or is that the name of a
8 person?

9 MR. TRIPODO: That's a person actually.

10 MR. ALBERTI: Does he have a last name?

11 MR. TRIPODO: No I don't. I can call him if
12 you want me to.

13 MR. ALBERTI: Okay, no that's all right. I'm
14 asking this so as we move forward I have some
15 benchmarks, I know what happened in the past, I
16 know what you're doing now, as we move forward,
17 and we see nothing's happening, everything would
18 be great, but if something happens we're going to
19 want to know who was there that night, all right?

20 MR. ALBERTI: So, are you planning on having
21 Reazon back?

22 MR. TRIPODO: Well, definitely we are trying

1 to change it. We're talking with M_____ to change
2 the whole -- I don't mean anything against go-go
3 music but we're trying to avoid go-go because we
4 -- even for us it's very stressful, so we're
5 trying to avoid the too loud, trying to avoid it
6 basically.

7 MR. ALBERTI: So, again, do you have concrete
8 plans going forward for Fridays?

9 MR. TRIPODO: This Friday? This Friday they
10 will be playing -- but we are searching --

11 MR. ALBERTI: Reazon is playing again?

12 MR. TRIPODO: Yeah, this Friday because it
13 would be too late to tell them of the change.

14 MR. ALBERTI: Okay. How large is your
15 establishment?

16 MR. TRIPODO: How large it is?

17 MR. ALBERTI: Yes.

18 MR. TRIPODO: I mean --

19 MR. ALBERTI: How many people?

20 MR. GEBRE: 144.

21 MR. TRIPODO: 144.

22 MR. ALBERTI: 144. And do you usually get a

1 full house on Friday nights?

2 MR. GEBRE: No, between 90 up to 100.

3 MR. ALBERTI: Between 90 and 100?

4 MR. GEBRE: That's what we get.

5 MR. ALBERTI: All right. Thank you.

6 CHAIRPERSON ANDERSON: Any other questions?

7 Yes, Mr. Short?

8 MR. SHORT: Good afternoon, gentlemen. You
9 mentioned dress code.

10 MR. TRIPODO: Yes, sir.

11 MR. SHORT: What is the current dress code
12 that you're changing?

13 MR. GEBRE: No hoodies.

14 MR. TRIPODO: We don't have a dress code now,
15 but we're trying to change at least trying to
16 avoid jeans or pants down, we don't allow to have
17 their pants down now, we tell them we don't do
18 that. No boots and no pants down. Now -- no
19 hoodies, no pants down. We're trying one way or
20 the other to try to avoid the people who we think
21 they are still young and immature.

22 MR. SHORT: I've been in this town all my

1 life, 70 years, so I do understand, and I do know
2 when people dress differently they do act
3 differently and when I see people my age with
4 their pants down and hoodies on, I'm and you say
5 immature and I just shake my head and say a
6 prayer to myself, but I think a dress code will
7 help. I really think it will help you a lot.

8 MR. TRIPODO: Yes, sir. Thank you.

9 MR. SHORT: That's all I have, Mr. Chair.

10 CHAIRPERSON ANDERSON: Are there any other
11 questions by any other board members? Well,
12 since I'm not aware if there's any RDO issues,
13 Ms. Smith, to the best of your knowledge are
14 there any RDO issues?

15 MS. SMITH: No, Uniontown usually pays on
16 time. We just had a small issue with one of
17 their latest invoices, but we've straightened
18 that out. It hasn't been paid yet because the
19 issue was just resolved yesterday, so other than
20 that I don't have any issues with them paying
21 their bills.

22 CHAIRPERSON ANDERSON: Since the issue was

1 established just yesterday so there'll be no
2 issues with having an RDO this weekend if one's
3 needed? If they request it?

4 MS. SMITH: That would be up to the district.
5 We can request --

6 CHAIRPERSON ANDERSON: No, I'm just saying, I
7 don't know what the establishment -- I don't know
8 how is it that if it's required -- I don't
9 remember if it's required Thursday, Friday,
10 Saturday, but I know if there are issues, maybe
11 no payments would be made, so I just want to make
12 sure that as far as your perspective that they
13 are current with their bills?

14 MS. SMITH: Yes, they are.

15 CHAIRPERSON ANDERSON: And so, therefore,
16 because we've had hearings where there has been
17 some issue and it just so happened that the RDO
18 doesn't show up the weekend and what we're
19 hearing is, 'you know, we paid our bills, but
20 this side didn't know we paid the bill.' So, yes
21 sir, what do you have to say, yes sir?

22 MR. TRIPODO: I'm sorry, we've been paying

1 our bills, the problem is when we give the check
2 to 301 Indiana they don't communicate with the
3 other side. So, we have the date a week ago and
4 we got an e-mail yesterday there was a
5 delinquency. They're not delinquent because
6 we've been paying RDO last week.

7 MR. SHORT: So that's corrected this morning?

8 MR. GEBRE: That has been corrected this
9 morning, but you see, if you don't know facts,
10 etc., etc., we'll be in trouble again.

11 CHAIRPERSON ANDERSON: That's why I'm asking
12 the question because I don't want an incident to
13 occur and then no RDO was there and if you were
14 to have the displeasure of being here again and
15 the issue is that no RDO was there because the
16 bill didn't pay and then you're saying 'we paid
17 the bill, and someone didn't receive it,' then
18 there are crossed signals.

19 MR. TRIPODO: Mr. Chairman, since we've been
20 closed we never paid ourselves, I can swear under
21 oath. What we pay in trying to pay our bills
22 with our credit card, etc., etc., just for doing

1 business. So, because one time we're late we
2 have a problem so we're trying to pay our bills
3 on time, but this time is one of the issues
4 basically. We have to go there and sometimes we
5 get charged for something, and we never had
6 police officers in the daytime. We never had
7 police officers in the daytime. And they have to
8 show us something we can sign. We never signed
9 any paper. So, if you don't pay because there's
10 no place where we can go there and explain to
11 them, we go someplace and talk to Mr. A, to Mr.
12 B, we get lost. At the meantime they say the
13 paperwork to go to ABRA and we have a problem
14 because we didn't pay our bill, but we don't have
15 no place where we can dispute our bills or
16 discuss or dispute [inaudible 2:07:55].

17 CHAIRPERSON ANDERSON: This is not an issue
18 that ABRA, but Ms. Smith maybe after this hearing
19 is over, maybe there can be more direct channels
20 for them to talk to -- because I hate having
21 folks come down here and what we're hearing is
22 that the check was paid and one side didn't tell

1 the other side in sufficient time. They argue,
2 it's not there, an incident occurred and they
3 would be like if the RDO was there maybe they
4 could have prevented an incident. Yes, Mr. Paul?

5 LIEUTENANT PAUL: Just to clarify on that,
6 since I've been running the RDO for the 7th
7 District the only time that I didn't have
8 coverage was the inauguration weekend and I think
9 they should have gotten reimbursed for that.
10 Other than that we have more incidents Thursdays
11 where they're supposed to be open and we send
12 officers there and the establishment is closed on
13 Thursday, so I know that I send a report to her
14 monthly and the majority of the time they're not
15 open and our guys are there. You know, but as
16 far as coverage, he's never missed coverage
17 outside that inauguration.

18 CHAIRPERSON ANDERSON: Thank you for that
19 representation. Yes, sir?

20 MR. GEBRE: Because Thursday we close because
21 we have no business basically, it doesn't make
22 sense to order if there's no business, so we

1 close at 11:30 or 11:40 because there's nobody
2 there. So, it doesn't make sense for us to open
3 just to keep the lights on --

4 CHAIRPERSON ANDERSON: What time is the RDO
5 supposed to be there?

6 MR. GEBRE: 11:30.

7 LIEUTENANT PAUL: 11:30.

8 MR. GEBRE: We close 12:00.

9 CHAIRPERSON ANDERSON: Ms. Smith?

10 MS. SMITH: Yes, so we have in our ABC
11 establishment agreement, it has all the policies
12 and procedures that they need to follow. One of
13 the things is that if there's an issue during the
14 evening, the first thing they're supposed to do
15 is contact the watch commander in their district.
16 Then they follow up with an e-mail to me so the
17 next morning, or the next business day that I
18 come in, I look through and try to find out what
19 happened. But, I'm not sure if on the nights
20 that they close without notice -- if they're
21 going to close they honestly should try to give
22 us at least two business days' notice and that

1 does not happen, or it happens very rare that it
2 does occur. But like I said their first defense
3 is to call the watch commander and let them know.
4 Even if they do contact them they are still
5 susceptible to a two-hour charge per officer.

6 CHAIRPERSON ANDERSON: That's what I was
7 about to ask the question. So, sir, and I mean I
8 can't solve this here so you basically make a
9 decision, if you don't have enough business, so
10 you make a decision on the spot that you're going
11 to close, is that what you do?

12 MR. TRIPODO: Yes, that's what it is, yeah
13 because see what happens is we pay, as you know
14 we pay for the full hours, so it doesn't make
15 sense for them, especially for bartenders and
16 waiters to wait there because they don't make no
17 tips, they get frustrated too, so we said, 'okay,
18 let's close.' If there's business we don't mind
19 to be open. So, whatever the board decides,
20 we'll go from there.

21 CHAIRPERSON ANDERSON: That's not a board
22 decision, I'm just saying to you that from what

1 I'm hearing from Ms. Smith they're going to
2 charge at least for two hours, so --

3 LIEUTENANT PAUL: Thursday's only two hours
4 anyway --

5 CHAIRPERSON ANDERSON: Right.

6 LIEUTENANT PAUL: So, you're losing money
7 because you're not notifying us. You've got to
8 notify us, you've got to notify the office that
9 you're not going to be there. Once I notify the
10 officers and they show up per the contract we
11 have, per the agreement, you've got to pay two
12 hours per officer.

13 CHAIRPERSON ANDERSON: So you need to talk to
14 them to get a better coordination. If the board
15 says that they have to be there, they have to be
16 there but if you're going to close, you have to -
17 - because they're going to charge you, so you
18 have to have better coordination with the
19 officers based on your contract and there's
20 nothing the board can do.

21 MR. GEBRE: [Inaudible 2:12:20] -- there's
22 times they come at 11:30 and we close at

1 midnight, fifteen minutes, I sign it and they
2 leave, so we've been paying most of the time for
3 half an hour we pay two hours, to officers for
4 minimum four hours. We have done that, but
5 sometimes we cannot wait until they come so that
6 we can sign their papers, so we can make a deal
7 with them how things work.

8 MR. SHORT: Please do.

9 LIEUTENANT PAUL: They don't have to show up
10 at 11:30, that's just when the subsidy starts, so
11 if the issue is going earlier, you can request
12 the officers earlier so that way you're actually
13 getting the use out of them, it's just the
14 subsidy doesn't start until 11:30. I mean, you
15 can get an RDO at anytime during the day, it's
16 just when the subsidy takes effect.

17 CHAIRPERSON ANDERSON: But I think the
18 difference -- this is the difference: I think
19 currently we subsidize, what is it, 60 or 70%?

20 MR. ALBERTI: It's gone down to 60.

21 CHAIRPERSON ANDERSON: Well, 70, but it's
22 going to go down to 60, but that starts at 11:30.

1 Now, if you close at 12:00, and maybe you can
2 decide earlier in the day that you're going to
3 close at 12:00, maybe you can request having the
4 RDO come earlier because you're still paying for
5 two hours, so although you're paying a higher
6 percentage of the salary, since you still have to
7 pay them for the two hours, so you might break
8 even because at least you'll have service earlier
9 that you have to pay for anyway because of their
10 status, you're going to end up paying for two
11 hours. And so you can see how much it is for the
12 two hours and if you have them come at 10:00 to
13 12:00 then how much is it from 10:00 to 12:00
14 than have them come at 11:30, they're there for
15 15 minutes and you still have to pay them for two
16 hours.

17 MR. GEBRE: Yes, sir.

18 CHAIRPERSON ANDERSON: That's something you -
19 -

20 MR. GEBRE: We'll work it out together.

21 CHAIRPERSON ANDERSON: You can work it out
22 with them, okay? Yes, Mr. Short?

1 MR. SHORT: One last thing with the RDOs, the
2 recommendation by Lieutenant Paul, are you
3 gentlemen going to take that up at heart?

4 CHAIRPERSON ANDERSON: They'd have to change
5 their business model.

6 MR. GEBRE: That would be too expensive for
7 us to have four more RDOs.

8 MR. SHORT: The only thing I will say to you
9 and I want this on the record: After seeing what
10 happened and hearing what you observed yourselves
11 on January 7th, suppose you didn't have an RDO
12 out there, you might not have a building there.
13 Are you aware of that? How many years have you
14 been in Washington D.C. in business?

15 MR. TRIPODO I've been here since 1998, I've
16 been here in the city.

17 MR. SHORT: So, I would like to elaborate, if
18 not you had an RDO on January 7th when that
19 fighting started inside and outside of your
20 business, you might not have a business there.
21 The crowds can get awful ugly and very violent
22 very quickly. You need that RDO. You need a

1 good relationship with Lieutenant Paul and all of
2 his officers sitting here.

3 MR. TRIPODO: We do, we do have a good
4 relationship.

5 MR. SHORT: I understand that. I understand
6 what you're saying about money, that you think
7 you might be losing. If they're recommending to
8 you two more, or whatever else you need, I would
9 consider it very heavily. I would consider that
10 rather than to be sitting here or reading in the
11 paper one of these days something terrible
12 happened over on that corner and that the police
13 officers didn't get there in time to prevent
14 someone maybe even losing their life. Let's
15 cooperate with one another and let's be smart
16 about business. Things are changing in that
17 community all of the time. And I just have to
18 say this to you, my observation as a board member
19 would be to stick with the recommendation of
20 Lieutenant Paul. I just want that on the record.

21 MR. TRIPODO: Thank you, sir. For the
22 record, we always cooperate 100% with the law

1 officers, with the police officers, whatever they
2 ask we are always there. We don't ask why, what
3 time? Anytime they call us we are there. They
4 need any kind of information we have open book
5 and we have nothing to hide.

6 MR. SHORT: Thank you for your cooperation
7 and I want to thank these officers and the RDO
8 coordinator for their excellent testimony today
9 and being here to help all of us. Thank you, Mr.
10 Chair, that's all I have.

11 CHAIRPERSON ANDERSON: Are there any other
12 questions by any other board members? All right,
13 let me -- Mr. Peru, any final comments you want
14 to make?

15 INVESTIGATOR PERU: I just want to ensure
16 that you guys are now using the wands again?

17 MR. GEBRE: No, we use them -- we use them
18 all the time basically. Totally we use them,
19 that certain people because they were too loud,
20 or they were too pushy, or they were too
21 aggressive, but we don't allow them to come there
22 basically and we have the name and we have quite

1 a few people. We are trying to avoid all the bad
2 apples, but unfortunately sometimes it's very
3 hard.

4 INVESTIGATOR PERU: I just want to make sure
5 because part of your, if you look at your
6 history, you have to use the wands because of an
7 incident that happened prior inside.

8 MR. TRIPODO: Yes, sir.

9 INVESTIGATOR PERU: So, I'm just making sure
10 moving forward -- that night we were there, we
11 discussed it, you showed me you had the wands but
12 they weren't being implemented. Just making sure
13 you guys are using them.

14 MR. TRIPODO: That night, yes we weren't.

15 CHAIRPERSON ANDERSON: Lieutenant Paul? Ms.
16 Smith?

17 MS. SMITH: I just want to let them know they
18 don't have to increase the RDO services every
19 night that they're open, it'd be recommended that
20 maybe they may want to use it on the heaviest
21 night of their incidents, which is Friday nights.
22 That may be a night that they need to increase

1 the RDO services and go back down to two on the
2 other detail nights.

3 CHAIRPERSON ANDERSON: And Sergeant O'Harren?

4 SERGEANT OHARREN: I'm good, sir.

5 CHAIRPERSON ANDERSON: All right, any final
6 thoughts either of you gentleman want to make
7 before we close?

8 MR. TRIPODO: Basically like we're trying to
9 avoid [inaudible 2:18:37] the bands who we think
10 are very aggressive or who brings quite a bit of
11 aggressive customers to us. We are using our
12 common sense, and I got a choose, week from
13 Friday we're going to have a different band,
14 mature people. We're trying to do our best to
15 avoid these kinds of problems. That's the best
16 we can do.

17 MR. GEBRE: I mean, it's been a great
18 learning process for me tonight, I mean today,
19 this afternoon, hearing from the investigator and
20 your questions, so I know what's coming if we
21 don't go by this, so we'll be extremely very
22 cooperative to do everything by the rules and I

1 hope that [inaudible 2:19:36] so in the future
2 when we come here we'll be smiling.

3 CHAIRPERSON ANDERSON: No, no, no, you're not
4 coming back. I say this, I don't want you to
5 come back, I tell people I don't want to see
6 them. That's what I keep, I tell all the
7 licensees, I don't want to see you. When I see
8 you it's because you're doing something wrong, so
9 when I tell folks 'I hope never to see you
10 again,' and I'll say this again, the only time we
11 want to see you is every three years when you
12 come down here and pay your license and fees.
13 That's the only time I want to see you, when you
14 give us money. Okay? The rest of the time, we
15 don't want to see you because what it says is
16 that you're complying with the law, you're doing
17 everything you need to do, so this board doesn't
18 want to see you. So, I'll say this to you sir, I
19 do not want to see you again. Yes, sir?

20 MR. TRIPODO: As you know probably the
21 neighborhood is not a friendly neighborhood.

22 CHAIRPERSON ANDERSON: I live up the street

1 and my office is in that neighborhood on that
2 stretch.

3 MR. TRIPODO: My only concern is there are no
4 bad people in a sense but we need to teach our
5 brothers and sisters -- I mean, that place
6 belongs to them and they have to come there and
7 have a good time and live without causing any
8 problems. But, unfortunately we tried the nice
9 way, etc., etc., but they are not getting so now,
10 unfortunately, we have to go our way to have a
11 very peaceful atmosphere in the area. So, we're
12 creating jobs. They have a lot of people in that
13 area, so everybody's making a good living. In
14 fact, we have two employees, they were homeless,
15 one of them now he just bought a car, he's
16 planning to buy a house. I have a manager there,
17 she was unemployed for three years. She's doing
18 good and she's planning to buy -- she has an old
19 car, she's planning to buy a new car. So, we can
20 see we are doing something good to the
21 neighborhood, to the people, but unfortunately
22 there's always a bad apple in the area. It's

1 hard to fight against those people and they are
2 responsible. We are not doing something to
3 aggravate them, but it's very tough, and like we
4 say, we're trying to change the whole band and
5 make sure to have good band, mature band, and
6 they can attract mature people, a crowd.

7 CHAIRPERSON ANDERSON: Well, this is the one
8 recommendation I'm going to make to you, listen
9 to Lieutenant Paul.

10 MR. TRIPODO: Yes, sir.

11 CHAIRPERSON ANDERSON: Lieutenant Paul as he
12 stated on the record today, he advised you what
13 was going to happen because he said to you that
14 something, based on some changes that were made
15 up the road you might see the end result of the
16 changes. You have seen the end result of the
17 changes that he had recommended to you, so I
18 would say to him, not that he's going to tell you
19 what band you should or shouldn't have; but you
20 said you work will with them, they know what's
21 going on in the neighborhood and this is maybe a
22 conversation you can have, how to be preventive.

1 So, you want to change --

2 MR. TRIPODO: We are going to change --

3 CHAIRPERSON ANDERSON: But, yeah, I know, but
4 I'm just saying, before he told you what was
5 going to happen and it has happened, so have
6 conversations with them about what you're looking
7 at and maybe he can help you prepare for what it
8 is that might or might not happen, okay?

9 MR. TRIPODO: Yes, sir. In fact, when they
10 ask and tell us this band, they heard something
11 bad about the band, they tell us, we always say -
12 -

13 MR. GEBRE: We cancelled them.

14 MR. TRIPODO: We cancelled them. They never
15 asked us to cancel, they advised us there's a
16 problem there, we cancelled with no reason, we
17 don't even ask why. We cooperate 100% with the
18 police.

19 CHAIRPERSON ANDERSON: I'm not telling you, I
20 don't want you to say, I told you to go talk to
21 Lieutenant Paul and Lieutenant Paul now does your
22 playlist, I'm just saying for your own protection

1 since the police are on the street. They're more
2 on the street than you are and so they can let
3 you know the trends of what's going on and they
4 can help you make your business safer and that's
5 all I'm saying, just to work with them, they'll
6 work with you to make your business safer.

7 MR. TRIPODO: Yes, sir.

8 CHAIRPERSON ANDERSON: I want to thank
9 everyone for being here today. I would like to
10 thank the officers who are here for being here,
11 Ms. Smith, Mr. Peru, of course always, thank you.
12 The board will take this matter under advisement.
13 Thank you.

14 As chairperson of the Alcoholic Beverage
15 Control Board for the District of Columbia and in
16 accordance with D.C. Official code Section 2574
17 B, Closed Meetings, and Section 2574 Notice of
18 Meetings of The Open Meetings Act, I move that
19 the ABC Board hold a closed meeting on March 15,
20 2017, for the purpose of discussing and hearing
21 reports concerning ongoing or planned
22 investigations of alleged criminal or civil

1 misconduct or violations of law or regulations
2 and seeking legal advice from our counsel on the
3 board's investigative, legal and licensing
4 agenda, as published in the D.C. Register. Is
5 there a second?

6 MS. HOBSON: Second.

7 CHAIRPERSON ANDERSON: Ms. Hobson has
8 seconded the motion. I will now take a roll call
9 vote on the motion before us now that it has been
10 seconded.

11 CHAIRPERSON ANDERSON: Ms. Hobson?

12 MS. HOBSON: Aye.

13 CHAIRPERSON ANDERSON: Mr. Silverstein?

14 MR. SILVERSTEIN: Aye.

15 CHAIRPERSON ANDERSON: Mr. Short?

16 MR. SHORT: I agree.

17 CHAIRPERSON ANDERSON: Mr. Perry?

18 MR. PERRY: I agree.

19 CHAIRPERSON ANDERSON: Mr. Anderson? I
20 agree. As it appears that the motion has passed,
21 I hereby give notice that the ABC Board will hold
22 its aforementioned closed meeting pursuant to the

1 Open Meetings Act. Notice will also be posted on
2 the ABC board hearing room, on the room bulletin
3 board, placed on the electronic calendar on
4 ABRA's website and published in the D.C. Register
5 in as timely a manner as is practical. We are
6 now adjourned for the day, thank you.

7

8

9

10 (Whereupon, the above-entitled matter was
11 concluded.)

12